

SURFACE TRANSPORTATION BOARD

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January 12, 2005

VIA OVERNIGHT DELIVERY

Clerk of Court
U.S. District Court, District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 2300
Boston, Massachusetts 02210

ATTN: Elaine Flaherty

*Re: No. 04-12705-RGS, Springfield Terminal Railway
Company v. Surface Transportation Board and the
United States of America
(G.C. File No. 6751)*

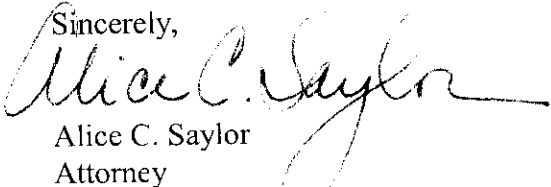
Dear Ms. Flaherty:

As we discussed by telephone today, the Surface Transportation Board received a summons (copy enclosed) in the above-captioned civil case on January 11, 2005, by U.S. mail.

Although the summons indicates that an answer to the complaint is due within 20 days after service of the summons, Federal Rule of Civil Procedure 12(a)(3)(A) makes clear that the agency's reply is not due until 60 days after the appropriate United States attorney has been served. Therefore, unless the Court instructs otherwise, the Surface Transportation Board will not be filing an answer within 20 days.

Also, as I find no indication on the papers before me that service upon the United States has been effected by delivering a copy of the summons and complaint to the United States Attorney for the District of Massachusetts, with copy to the Attorney General of the United States, as required by Federal Rule of Civil Procedure 4(i)(1)(A), (B), I am requesting advice on how to proceed.

Thank you for your assistance with this matter.

Sincerely,

Alice C. Saylor
Attorney

Enclosure

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cc: VIA OVERNIGHT DELIVERY
Robert B. Culliford, Corporate Counsel
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862